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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,957	03/24/2004	Wen Zhao	PUS1699 (1578.800)	4088

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EXAMINER
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WENDELL, ANDREW

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/807,957	ZHAO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrew Wendell	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-20,22-32,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,3-20,22-32,36 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-20, 22-32, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (WO 00/08706) in view of Ue et al. (US Pat# 6,487,394).

Regarding claim 17, Park's device for controlling initial transmission power of forward link channel in mobile communications system teaches a system for controlling transmit power of a forward link signal in a communications network (Page 2 lines 15-23), the system comprising a mobile device MS (Fig. 2), the mobile device adapted to receive a first signal from a basestation 212 (Fig. 2); evaluate a signal the first signal 214 (Fig. 2); and transmit information about the received signal to the basestation 216 (Fig. 2); and the basestation BS (Fig. 2), the basestation being adapted to send the first signal with a first signal transmit power 212 (Fig. 2); receive the information about the received signal from the mobile device 216 (Fig. 2); and set the transmit power of the forward link signal based on the information about the received signal and the first signal transmit power 216-218 (Fig. 2), the setting of the transmit power in the basestation including estimating a value of a signal component of the first signal based on the information about the received signal to noise ratio (Page 14 line 3-Page 15 line 7); determining a desired value for the signal component (Page 14 line 3-Page 15 line

7); and setting the transmit power of the forward link signal by adding the difference between the desired signal component value and the estimated signal component value to the first signal transmit power (Page 14 line 3-Page 15 line 7); and wherein the first signal is a preamble 212 (Fig. 2, since the preamble is not a specific data message, a pilot (beacon) signal can be interpreted as a preamble), sent during the traffic channel initialization period in a CDMA network (Page 10 lines 8-19). Park fails to clearly teach evaluating a signal to noise ratio.

Ue's radio communication device of controlling transmission rate teaches a system for controlling transmit power of a forward link signal in a communications network (Col. 1 line 58-Col. 2 line 4), the system comprising a mobile device (Fig. 2), the mobile device adapted to receive a first signal from a basestation (Fig. 8); evaluate a signal to noise ratio of the first signal (Col. 3 line 66-Col. 4 line 27 and Col. 5 lines 31-48); and transmit information about the received signal to noise ratio to the basestation (Fig. 8, Col. 5 lines 31-48); and the basestation, the basestation being adapted to send the first signal with a first signal transmit power (Fig. 8, Col. 5 lines 31-48); receive the information about the received signal to noise ratio from the mobile device (Fig. 8 and Fig. 12); and set the transmit power of the forward link signal based on the information about the received signal to noise ratio and the first signal transmit power (Fig. 12 and Col. 6 line 59-Col. 7 line 8), the setting of the transmit power in the basestation including estimating a value of a signal component of the first signal based on the information about the received signal to noise ratio (Fig. 12 and Col. 6 line 59-Col. 7

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line 8); determining a desired value for the signal component (Fig. 12 and Col. 6 line 59-Col. 7 line 8).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate evaluating a signal to noise ratio as taught by Ue into Park's device for controlling initial transmission power of forward link channel in mobile communications system in order to reduce interference and increase performance (Col. 1 lines 46-55).

Regarding claim 18, the combination including Park teaches wherein the first signal is a pilot signal 212 (Fig. 2).

Regarding claim 19, the combination including Park teaches wherein the transmitting of information from the mobile device is performed over an access channel 216 (Fig. 2).

Regarding claim 20, the combination including Park teaches wherein the forward link signal is a preamble on a traffic channel is sent from the basestation to the mobile device (Fig. 1 and 2).

Regarding claim 22, the combination including Park teaches wherein the evaluating of the first signal in the mobile device is performed on a first signal component (Page 14 line 3-Page 15 line 7).

Regarding claim 23, the combination including Park teaches wherein the first signal component is the  $E_c/I_o$  of the first signal (Page 14 line 3-Page 15 line 7).

Regarding claim 24, the combination including Park teaches wherein the determining the desired signal component value is based on a pre-optimized preamble  $E_c/I_o$  value (Page 14 line 3-Page 15 line 7).

Regarding claim 25, the combination including Park teaches wherein the determining the desired signal component value is based on the mobile device (Page 14 line 3-Page 15 line 7).

Regarding claim 26, the combination including Park teaches wherein the desired signal component value is reported to the basestation during the transmitting of information step (Fig. 2).

Regarding claim 27, the combination including Ue teaches wherein the desired signal component value is limited by a threshold value, whereby if the value based on the mobile device exceeds the threshold value, the desired signal component value is set to the threshold value (Fig. 12).

Regarding claim 28, the combination including Park teaches wherein the desired signal component value is selected from a predetermined value at the basestation and a value received from the mobile device (Page 14 line 3-Page 15 line 7).

Regarding claim 29, the combination including Park teaches wherein the selecting is performed based on the higher value between the predetermined value at the basestation and the value received from the mobile device (Page 14 line 3-Page 15 line 7).

Regarding claim 30, the combination including Ue teaches wherein the selecting is limited by a threshold value, whereby if the value received from the mobile device exceeds the threshold value, the selecting step uses the threshold value (Fig. 12).

Regarding claim 31, the combination including Park teaches wherein the setting further includes adding an offset parameter to the transmit power of the forward link signal (Page 14 line 3-Page 15 line 7).

Regarding claim 32, the combination including Park teaches wherein the value of the offset parameter is between 0 and 6 dB (Page 14 line 3-Page 15 line 7, the value could fall in that range in a CDMA network).

Regarding claim 1, method claim 1 is rejected for the same reason as system claim 17 since the recited elements would perform the claimed steps.

Regarding claim 3, method claim 3 is rejected for the same reason as system claim 20 since the recited elements would perform the claimed steps.

Regarding claim 4, method claim 4 is rejected for the same reason as system claim 18 since the recited elements would perform the claimed steps.

Regarding claim 5, method claim 5 is rejected for the same reason as system claim 19 since the recited elements would perform the claimed steps.

Regarding claim 6, method claim 6 is rejected for the same reason as system claim 24 since the recited elements would perform the claimed steps.

Regarding claim 7, the combination including Park teaches the transmit power assigned to the forward link signal, is assigned independently of the basestation's

transmission data rate (Page 7 lines 20-23, it is silent of setting a transmission rate so the power is independent of the transmission rate).

Regarding claim 8, method claim 8 is rejected for the same reason as system claim 26 since the recited elements would perform the claimed steps.

Regarding claim 9, method claim 9 is rejected for the same reason as system claim 27 since the recited elements would perform the claimed steps.

Regarding claim 10, method claim 10 is rejected for the same reason as system claim 28 since the recited elements would perform the claimed steps.

Regarding claim 11, method claim 11 is rejected for the same reason as system claim 29 since the recited elements would perform the claimed steps.

Regarding claim 12, method claim 12 is rejected for the same reason as system claim 30 since the recited elements would perform the claimed steps.

Regarding claim 13, method claim 13 is rejected for the same reason as system claim 31 since the recited elements would perform the claimed steps.

Regarding claim 14, method claim 14 is rejected for the same reason as system claim 32 since the recited elements would perform the claimed steps.

Regarding claim 15, method claim 15 is rejected for the same reason as system claim 23 since the recited elements would perform the claimed steps.

Regarding claim 16, method claim 16 is rejected for the same reason as system claim 35 since the recited elements would perform the claimed steps.

Regarding claim 36, apparatus claim 16 is rejected for the same reason as system claim 35 since the recited elements would perform the claimed steps. Note,



Park teaches the transmitter setting the transmit power of the forward link signal independently of a transmission rate of the base station (Page 7 lines 20-23, it is silent of setting a transmission rate so the power is independent of the transmission rate).

Regarding claim 37, apparatus claim 16 is rejected for the same reason as system claim 35 since the recited elements would perform the claimed steps. Note, Park teaches the transmitter setting the transmit power of the forward link signal independently of a transmission rate of the base station (Page 7 lines 20-23, it is silent of setting a transmission rate so the power is independent of the transmission rate).

***Response to Arguments***

Applicant's Remark	Examiner's Response
"Referring to the office action, the applicant acknowledges that Ue teaches evaluating a signal-to-noise ratio as the Examiner contends, however, Ue also teaches that the calculation of a signal-to-noise ratio should be performed repeatedly, i.e., not just during a channel initialization period."	Ue teaches on col. 5 line 43, that it can measure periodically like on the first initialization. Also, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See <i>In re Keller</i> , 642 F.2d 413, 208 USPQ 871 (CCPA 1981); <i>In re Merck &amp; Co.</i> , 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Park teaches power control on a

	<p>channel during an initialization period (Fig. 2). Park and Ue are combinable because they are both in a communication network controlling transmission parameters.</p>
<p>"By amending claims 1 and 17 to require the "first signal" to be sent during an initialization period, the claimed signal to noise ratio is calculated only once for each initialization period."</p>	<p>See office action above, Park teaches a pilot signal. The definition given by applicant's specification (Page 3 lines 21-24), states that a preamble is used in order to get acquired and synchronized between a base station and mobile device. Based on that definition, Park's pilot signal 212 (Fig. 2) can be given the broadest reasonable interpretation a preamble.</p>
<p>"Park thus teaches that pilot signal strength is measured by the mobile station in order to allow the base station to determine the transmission power for a new channel and not for the channel on which the test signal was broadcast."</p>	<p>Examiner believes applicant is reading more into the claims than present.</p> <p>Examiner fails to see where in the claim is states the power be on the same channel.</p> <p>The claim just states setting a power on a forward link signal. It does not mention that it is the same channel, just on a forward link.</p>

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

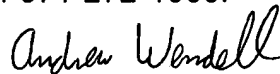
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Wendell  
Examiner  
Art Unit 2618

3/8/2007



NAY MAUNG  
SUPERVISORY PATENT EXAMINER